IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/806,540

Group Art Unit: 3733

Filed: March 23, 2004

Examiner: Richard R. Shaffer

Applicant: Jorge L. Orbay

Attorney Docket: HAN-031
DePuy Docket: DEP5692USNP

Title: Cap for Cut Metal Orthopedic Fastener

Honorable Commissioner for Patents
Alexandria, VA 22313

Sir:

INTERVIEW SUMMARY AND

REPLY TO FINAL OFFICE ACTION

This is a timely reply to a Final Office Action dated August 11, 2006. As no claims have been added, and no extension fee is required, no fees are enclosed herewith. If any additional fee is due, please charge the fee to deposit account no. 07-1732.

INTERVIEW SUMMARY

The Attorney for Applicant and Examiner had an Interview on September 14, 2006. While the Examiner's Interview Summary indicates that his supervisor Eduardo Robert was present for the Interview, the Attorney for Applicant was not made aware of his presence and cannot confirm that he participated. Amendments to overcome the rejections under 35 U.S.C. § 112 were discussed and agreement in principal was reached. In addition, the claims and references to Simmons and Finlayson were discussed. The Attorney for Applicant explained that he objected to the Examiner broad interpretation of a guidewire tip as a nail. No agreement on allowable claim language was reached. In addition, the Examiner indicated that if the claims were sufficiently argued or amended to placed them in condition for allowance over the cited art that he would perform an additional search and intend to issue a subsequent rejection.